

REMARKS

Claims 1-20 and 22-30 are pending in the current application. In an Office Action dated September 11, 2006, the Examiner rejected claim 1-20 and 22-30 under 35 U.S.C. § 112, second paragraph, and rejected claims 1-18 and 24-28 under 35 U.S.C. § 103(a) as being unpatentable over Katz et al., U.S. Patent No. 5,926,624 ("Katz") in view of Coley et al., U.S. Patent No. 5,790,664 ("Coley"). Applicants' representative respectfully traverses the 35 U.S.C. § 103(a) rejections of claims 1-20 and 22-30.

First, Applicants' representative would like to again briefly describe the three independent claims 1, 14, and 24. Independent claims 1, 14, and 24 are provided below, for the Examiner's convenience, with added emphasis:

1. A system for acquiring digital content, the system comprising:
a digital-content-accessing component invoked by a *selection interface*, provided by a *digital-content supplier*, to receive and authenticate one or more components of the digital content on a *client computer*, and to store the one or more received and authenticated components in an unusable form on the client computer; and
a *license component* incorporated within a component of the digital content that communicates with a remote *licensing broker* to verify that a user is licensed to receive the digital content and that generates a useable form of the digital content from the one or more components of the digital content.
14. A system for supplying digital content by a *digital-content supplier*, the system comprising:
a server that provides a *selection interface* to a requesting *client computer*;
one or more servers that provide, to a requesting digital-content-accessing component running on the client computer, components of the digital content in at least one of which a *license component* is incorporated; and
a means for providing license information to a remote *licensing broker* to license the digital content.
24. A system for licensing digital content, the system comprising:
a *licensing server*
that receives and stores license information from a remote *digital-content supplier*;

that generates an electronic license certificate for the digital content; and

that provides the electronic license certificate for the digital content to a requesting *license component* running on a *client computer* that, upon receiving the electronic license certificate, generates a useable form of the digital content on the client computer from the one or more digital-content components received from the remote digital-content supplier.

All three independent claims can be readily understood by reference to Figure 3 of the current application. As emphasized in the three independent claims, provided above, the claimed invention involves a selection interface (304 in Figure 3) that is displayed or otherwise instantiated on a client computer (311 in Figure 3) and that allows a user to select digital content provided by a digital-content supplier (306 in Figure 3) for acquisition by the user. The digital content is transmitted from the digital-content supplier (306) to the client computer (311), on request by digital-content-accessing component invoked by the selection interface, as one or more digital-content components and stored on the client computer in a form that is unusable by the user. When the user seeks to execute or render the digital content, a license component incorporated within a component of the digital content exchanges information with a license broker or license server (307 in Figure 3) to obtain a license for execution or rendering of the digital content. In certain embodiments of the present invention, a digital-content component is received by the digital-content-accessing component in an encrypted form that cannot be executed or rendered by the client computer. Upon receiving an electronic license certificate from the license broker (307), the license component decrypts the encrypted component or components, allowing the digital content to be executed or rendered on the client computer.

All three independent claims specifically mention the client computer, a remote digital-content supplier, and a remote license server or license broker that cooperate to provide digital content to a user in a way that prevents unauthorized execution or rendering of unlicensed digital content by a user that does not respect intellectual property rights. The license broker is a distinct and separate entity from the content supplier, and both the license broker and digital-content supplier are distinct and

separate from the client computer. The above-provided independent claims also include additional elements, such as the digital-content-accessing component (404 in Figure 4, 507 in Figure 5, and Figure 8) and the license component (406 in Figure 4), and the independent claims and claims that depend from them further specify interrelationships between these additional elements and the client computer, the remote digital-content supplier, and the remote license server or license broker. For example, the digital-content-accessing component is either supplied by the digital-content supplier or generated from a component list supplied by the digital-content supplier. As another example, the selection interface is supplied by the digital content supplier.

Katz does not teach or suggest the currently claimed invention. Please again note the second element of claim 1 of the current application:

a license component incorporated within a component of the digital content that communicates with a remote *licensing broker* to verify that a user is licensed to receive the digital content and that generates a useable form of the digital content from the one or more components of the digital content.

As can be readily determined from reading the portions of Katz that refer to Figure 2 of Katz, there is no such licensing component incorporated within a component of the digital content. In fact, neither the client computer system (214 in Figure 2 of Katz) nor the mobile playback device (212 in Figure 2 of Katz) communicate with the authorization server (270 in Figure 2 of Katz), nor does any component incorporated within digital content downloaded by the client computer system or mobile playback device. Instead, the client computer system provides information to the library server (260 in Figure 2 of Katz), which, in turn, provides information to the authorization, receives authorization from the authorization server for transfer of content to the client computer system, and then transfers the authorized content to the client computer system. As stated by Katz:

Upon receiving such a client request, library server 260 uses authorization server 270 to authenticate the request with client information 272 generated and maintained by library server 260 or authorization server 270. The client information 272 includes client identifiers which are used to target content for playback on individual mobile playback devices 212 or software players 226.

Client information 272 may also contain client personal information, user content preferences, client billing history, player usage history, and player group lists. IN an alternative embodiment, portions of client information 272 may instead be stored in server 260. Using the authorization protocol described in more detail below, the library server 260 determines if the client request can be serviced. If approved, the library server 260 accesses the digital information program file(s) or preview clip(s) requested by the client computer system 214, delivers the selected preview clip(s) or builds encrypted, targeted, and digitally signed digital information files using the authentication protocol described in more detail below, and transfers the encrypted and compressed digital information file(s) to the requesting computer system 214 via network 240. (Katz, column 8, lines 19040).

Of course, this fact can be readily observed in Figure 2, where doubled-headed arrows show that the authorization server communicates only with the library server, and not with external entities, such as the client computer system and mobile playback device.

Katz additionally does not describe any component within unusable digital content that generates a useable form of the digital content. Instead, Katz discloses three authentication protocols "to protect the transfer of information from server 260 to client system 214 and playback device 212:"

First, a point-to-point authentication protocol is performed whereby the library server 260 must verify that the requesting client computer system 214 is an authorized client and the client computer system 214 must verify that the library server 260 is an authorized provider. Secondly, a targeting protocol is performed whereby the library server 260 utilizes a set of identifiers (i.e. player IDs) for mobile playback devices 212 authorized to receive the selected download data from library server 260. The mobile playback device identifiers are provided by client computer system 214 or are referenced from user profiles stored on library server 260. In the targeting process, library server 260 formats and downloads data that can be read by mobile devices 212 with these identifiers. Thirdly, a library server digital signature is appended to the downloaded data for use by the mobile playback device 212 to verify that the downloaded data was originated by an authorized library server. (Katz, column 11, lines 32 - 51)

None of these authentication protocols involve a component within unusable digital content generating a useable form of the digital content. In fact, Katz specifically states that "only the targeted mobile playback device(s) 212 will be able to unscramble and read the data block" (Katz, column 13, lines 53-55). It is the target playback device, and not any component included in the digital content, that unscrambles scrambled content

downloaded from the library server. Alternatively, "the player 212/226 checks if its player 212/226 identifier or group identifier is included in the header. This method assumes unmodified mobile playback devices 212 and achieves the identical result of preventing unauthorized playback of content" (Katz, column 14, lines 14-19).

Coley also does not teach, mention, or suggest the claimed invention. In Coley, the digital-content supplier, or software provider, is not separate and distinct from the license broker. Coley states, in the Abstract, that: "Exemplary systems involve attaching a licensing system module to the software application. Records of valid licenses are stored in the database maintained by the *software provider*." Again, on lines 7-14 of column 4, Coley states:

A software application having a client module attached thereto is hereinafter referred to as a "client application." In accordance with preferred embodiments of the invention, a client application loaded on a computer having access to a public network, such as the Internet, automatically reports to a computer maintained by a *software provider*."

Again, on lines 54-55 of column 5, Coley states that "the license server is maintained by the software provider." Coley also does not teach, mention, or suggest a digital-content-accessing component, does not teach, mention, or suggest a digital-content-supplier-supplied selection interface, does not teach, mention, or suggest authentication, by a digital-content-accessing component invoked by a selection interface, of one or more components of the digital content, and does not teach, mention, or suggest many of the other elements of the claimed invention. For example, Coley explicitly states, in the Abstract of Coley, that the "software application can then be appropriately enabled or disabled by the that the "software application *can then be appropriately enabled or disabled by the licensing system module*," and not by any component within downloaded digital content.

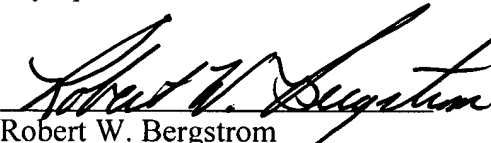
In summary, neither Katz, Coley, or a combination of Katz and Coley teaches, discloses, mentions, or suggests any kind of "*license component* incorporated within a component of the digital content that communicates with a remote *licensing broker* to verify that a user is licensed to receive the digital content and that generates a useable form of the digital content from the one or more components of the digital

content." As the Examiner surely appreciates, according to MPEP § 2143, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." Because neither Katz, Coley, or a combination of Katz and Coley teaches the above-quoted second element of claim 1, claim 1 cannot be made obvious by Katz, Coley, or a combination of Katz and Coley.

The Examiner rejects the remaining independent claims 14 and 24 for the same reasons as claim 1 was rejected. Because no combination of Katz and Coley teaches the second element of claim 1, as discussed above, and because claims 14 and 24 both recite the licensing component incorporated within a component of the digital content, claims 14 and 24 are also not made obvious by any combination of Katz and Coley. Because the three independent claims are not obvious, neither are any of the claims that depend from them.

In Applicants' representative's opinion, all of the claims remaining in the current application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
Ganapathy Krishnan et al.
Olympic Patent Works PLLC


Robert W. Bergstrom
Registration No. 39,906

Enclosures:

Postcard

Transmittal in duplicate

Olympic Patent Works PLLC
P.O. Box 4277
Seattle, WA 98194-0277
206.621.1933 telephone
206.621.5302 fax